

## REMARKS

Reconsideration and allowance of this Application are respectfully requested in light of the foregoing amendment and the following remarks.

Claims 1-26 are pending in the Application.

Claim 1 has been amended to conform to U.S. practice, to clarify that the recited special item is not located within the recited database, and to clarify that the special requisition of the present claim 1 is defined only when the item described by the special requisition is not found within the database, i.e., not located in the database. Support for the clarifications can be found at least at page 3, lines 7 and 21 and page 11, line 14 et seq.

### Claim Rejections

In a section entitled 'Response to Arguments', the Examiner cites U.S. Patent No. 5,570,291 to Dudle et al. as teaching the creation of a custom order for a special requisition *not found in a* catalog database of known items, specifically citing col. 3, line 59-col. 4, line 6 and col 9, line 66 -col 10, line 34. The database taught by Dudle is a "centralized repository of item specification, estimate and customer contract data, among other types..." (Abstract) for a computer-based system and method for estimating and ordering the custom manufacture of a known item (col. 1, lines 14-16) directly from a manufacturer that is already known to be a source of the known item. Nowhere does Dudle teach creating a custom order for a special requisition not found in a catalog database of known items. Dudle teaches specifying an item, such as a printed form, using a system maintained by a manufacturer of known items wherein the known items have known features such that each known feature has an associated set of pre-determined specifiable options, see, e.g., col. 11, line 52 - col. 12, line 60. That the items and their features are known and the range of options/values for each

customizable known feature is also known is attested to by the fact that the system taught by Dudle explicitly incorporates validation of a custom item specification so that items and corresponding item features and feature options cannot be specified that the manufacturer cannot price or manufacture (col. 12, lines 51-60), i.e., the items and features and range of options for features are known.

In other words, Dudle teaches ordering an item that is known from a database of known items, the items having known customizable features, the permissible range of values for these customizable features also being known. Therefore, contrary to the allegation of the Office Action, the special requisition of Dudle is actually a specification containing item selections and specifications from a catalog that contains pre-determined or known customizations of known items *in a manufacturer's database of known items*.

The arguments made in the Office Action with respect to claims 1-6, 8-26 rely on Dudle teaching the creation of a custom order for a special requisition not found in a catalog database of known items. Applicants argue that *only known items stored in the database and that can be customized in known ways as stored in the database* are taught in the database of Dudle and that it is not possible using the teaching of Dudle to create a special requisition for an unknown item since each item and each of its customizations is verified, as discussed above, and must already be known in the database taught by Dudle. Furthermore, in view of this validation, modifying the teaching Dudle to accept unknown items not in the database or unknown customizations not in the database would render Dudle inoperable for its intended purpose of only allowing the specification of special items that the manufacturer is known to be able to produce. Therefore, alone or in combination with of the other cited references, Dudle cannot be relevant prior art for the present invention which recites

a procurement system for purchasing a special item not found in a catalog database or database of known items (instant independent claims 1, 10, 17 and 20).

I. Claims 1-3, 8-10, 11-16 and 17-26 stand rejected under 35 USC 103(a) as being unpatentable over Povilus (US 5,740,425) in view of Dudle et al.

In view of the above discussion of Dudle and with regard to present claim 1, Dudle does not remedy the admitted deficiency of Povilus, i.e., that Povilus fails to teach a special requisition or updating a database with information which is obtained from the special requisition. Therefore, the rejection is not valid and should be withdrawn, claim 1 is allowable and claims 2-9, dependent therefrom are allowable for at least this reason.

II. Claims 4-6 stand rejected under 35 U.S.C. 103(a) as being upatenable over Povilus in view of Dudle et al., and further in view of Conklin et al. (US 6,338,050)

Neither Dudle nor Conklin cures the admitted deficiency of Povilus that Povilus fails to teach a special requisition or updating a database with information which is obtained from the special requisition and therefore cannot be relevant prior art for present claim 1. Further, as discussed in I above, claim 1 is allowable and claims 4-6 are dependent from allowable claim 1. Claims 4-6 are allowable for at least these reasons and the rejection should be withdrawn.

III. Claim 7 is rejected under 35 USC 103(a) as being unpatentable over Povilus in view of Conklin et al.

The Office Action Position

The Office Action alleges that Povilus substantially discloses the invention at page 11, 3<sup>rd</sup> paragraph.

Applicants' Response

The Applicants respectfully point out that the Office Action admits that Povilus does not substantially disclose the invention at least at page 3, final paragraph, wherein it is stated "Povilus fails to teach a special requisition or updating a database with information which is obtained from the special requisition" as recited by instant claim 1. Therefore, Povilus cannot alone be relied on as prior art nor does Conklin remedy this deficiency of Povilus with respect to instant claim 7 which is dependent from instant claim 1.

Therefore, the Applications respectfully submit that the rejection should be withdrawn and instant claim 7 is allowable. Further, for reasons discussed under I, instant claim 1 is allowable and claim 7 is dependent from claim 1 and is allowable for at least this reason as well.

Conclusion

In view of the foregoing amendment and remarks, all stated rejections of the Office Action have been overcome and this Application is in condition for allowance. Early notice to that effect is earnestly solicited.

If any issues remain which may be best resolved through a telephone communication, the Examiner is requested to kindly telephone the undersigned at the local, Washington D.C. telephone number listed below.

Respectfully submitted,



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EXHIBIT I - Version of Claims Showing Changes Made

IN THE CLAIMS:

Please amend claim 1 to read as follows:

1. (Amended) A procurement system for purchasing a special item between a buyer of the special item and a supplier capable of supplying the special item, said system comprising:  
[a buyer for purchasing the special item;  
a supplier for supplying the special item to said buyer;]  
a fulfillment [organization] system for communicating between said buyer and said supplier;  
a database associated with said fulfillment [organization] system, said special item not being located within said database;  
a special requisition for describing said special item; and  
updated information, wherein said updated information is obtained in part from said special requisition and added to said database for future reference.